

LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1920 N STREET, N.W.
WASHINGTON, D.C. 20036-1601

(202) 263-4152
FAX (202) 331-8330
e-mail: xicccg@worldnet.att.net



November 9, 2005

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

ENTERED
Office of Proceedings

NOV 09 2005

Part of
Public Record

Dear Secretary Williams:

Enclosed for filing in each of STB Docket No. AB-6 (Sub-No. 430X), BNSF Railway Company—Abandonment Exemption—In Oklahoma County, OK, and STB Docket No. AB-1040X, Stillwater Central Railroad, Inc.—Abandonment Exemption—In Oklahoma County, OK, are the original and ten copies of the Petition of Bio-Energy Wellness Center and North American Transportation Institute to Have Notice Declared Null and Void.

Expedited action is urgently requested.

By copy of this letter, service has been effected upon counsel for the Applicants.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,

Fritz R. Kahn

enc.

cc: Sidney L. Strickland, Jr., Esq.
Karl Morell, Esq.

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

ORIGINAL



STB Docket No. AB-6 (Sub-No. 430X)

BNSF RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN OKLAHOMA COUNTY, OK

STB Docket No. AB-1040X

STILLWATER CENTRAL RAILROAD, INC.
– ABANDONMENT EXEMPTION –
IN OKLAHOMA COUNTY, OK

ENTERED
Office of Proceedings

NOV 09 2005

Part of
Public Record

EXPEDITED ACTION URGENTLY REQUESTED

PETITION
OF
BIO-ENERGY WELLNESS CENTER and
NORTH AMERICAN TRANSPORTATION INSTITUTE
TO HAVE NOTICE DECLARED NULL AND VOID

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Attorney for

BIO-ENERGY WELLNESS CENTER and
NORTH AMERICAN TRANSPORTATION INSTITUTE

Dated: November 9, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

STB Docket No. AB-6 (Sub-No. 430X)

BNSF RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN OKLAHOMA COUNTY, OK

STB Docket No. AB-1040X

STILLWATER CENTRAL RAILROAD, INC.
– ABANDONMENT EXEMPTION -
IN OKLAHOMA COUNTY, OK

EXPEDITED ACTION URGENTLY REQUESTED

PETITION
OF
BIO-ENERGY WELLNESS CENTER and
NORTH AMERICAN TRANSPORTATION INSTITUTE
TO HAVE NOTICE DECLARED NULL AND VOID

Bio-Energy Wellness Center and North American Transportation Institute of Oklahoma City, OK, asserts that the Notice of Exemption, filed September 23, 2005, by BNSF Railway Company and Stillwater Central Railroad seeking to abandon and discontinue rendering service on the 2.95-mile railroad line between Milepost 539.96 and Milepost 542.91 in Oklahoma City pursuant to the out-of-service exemption of 49 C.F.R. 1152.50, should be declared null and void

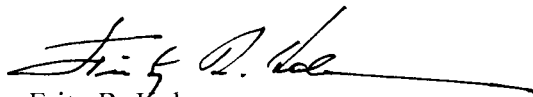
ab initio, because it contains false and misleading information. The railroad line in question is an active line of railroad, operated by Stillwater Central Railroad,¹ and the line has been used to handle local traffic within the past two years.

The exemption is due to become effective November 12, 2005, enabling BNSF to remove the rails, ties and other track materials the following day. This would force the overhead traffic carried on the line to be diverted to another of BNSF Railway line which has at-grade crossings and would pose a serious threat to the safety of residents of the community.

Respectfully submitted,

BIO ENERGY WELLNESS CENTER and
NORTH AMERICAN TRANSPORTATION INSTITUTE

By their attorney,

A handwritten signature in black ink, appearing to read "Fritz R. Kahn", with a long horizontal flourish extending to the right.

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Dated: November 9, 2005

¹ In their Historic Report, Applicants state that BNSF leased the line in question to SLWC on December 29, 2004. They, however, do not cite to a Board decision approving the lease, and none appears on the Board's web page.

VERIFICATION

I, Michael Richards, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Application and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Bio-Energy Wellness Center. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Oklahoma City, OK, this 8th day of November 2005.


Michael Richards

VERIFICATION

I, Tom Elmore (Tom Elmore), declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing statement and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of NORTH AMERICAN TRANSPORTATION INSTITUTE.

I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

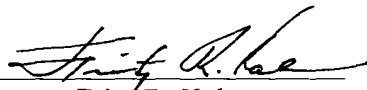
Dated at Oklahoma City, OK, this 9th day of November, 2005.

Tom Elmore

CERTIFICATE OF SERVICE

I certify that I this day have served a copy of the foregoing Petition upon counsel for BNSF Railway Company and Stillwaater Central Railroad, Inc., by facsimile transmitting and by mailing copies thereof by prepaid first-class mail to their counsel, Sidney L. Stickland, Esq., and Karl Morell, Esq.

Dated at Washington, DC. this 9th day of November 2005


Fritz R. Kahn